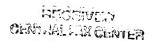
12289 Rogweed Street San Diego, CA 92129 858-484-7538 – phone/fax e-mail:

# Richard W. Worrall





SEP 2 8 2006

То:	Christina Russell/ David Martin			From:	Richard W.Worrall			
Fax	703	-872-9306 and 571-	273-8300	Pages:	5 including this cover			
Phone:				Date:	e 09-28-06			
Ret	Status Inquiry/Courtesy Fax			cc:				
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This is a courtesy fax being sent in parallel to a status inquiry sent via First Class Mail today. This fax transmission is being transmitted to both numbers noted above.

Please forward a copy of this fax transmission in it's entirety to both:

## **Christina Russell**

### **David Martin**

Thank you

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# SEP 2 8 2006

PTQV8IVC1 (0%-06)

Institution Foresument Protection Act of 1999, no r	US 11	atent and Tra	idemark Office	U.S. DEPARTMENT OF COMMERCE					
TRANSMITTAL FORM  (to be med for all correspondences, dear miles tilmed Total blumber of Pages in the Submission Greek	Application Number  Filing Date  First Named Inventor  Art Unit  Examiner Name	Jo/- Janu Worr 2337 Chris N/A							
	Drawing(s)  Licensing-related Papers  Potition Potition to Convert to a Provisional Application Power of Attorney, Revocation Change of Correspondence A Terminal Disclaimer Request for Refund CD, Number of CD(s)  Landscape Table on CD Remarks  Possecution status L Stamped Self- add	ddress	App of A App (Apr) App (Apr) App Pro State Oth book						
SIGNATU	RE OF APPLICANT, ATTO	RNEY, O	R AGENT						
Signature  Richard Warrall  Date  9-28-06  Reg. No.									
CERTIFICATE OF TRANSMISSION/MAILING  I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with									
sufficient postage as first class mult in an envelope addressed to: Commissioner for Patents, P.O. Box 1450. Alexandria, VA 22010-1450 on the date shown below:  Signature									
Kichael Worrall									
Typed or printed name Richard	Worrall		Dat	° 9-23-06					

This edited in a distinguished is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to like (and by the USPTO to process) an application. Confidentially its governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.4. This collection is estimated to 2 hours to complete, including gathering, properties, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for returning this bandon, should be sent to the Chief information Officer, U.S. Patent and Trademark Office, U.S. Department of Commence, P.O. Fers 1450, Alexandria, VA. 22313-1450, DO NOT SEND FC. COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA. 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

SEP 2 8 2006

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants

: Richard Worrall et al.

Application No.

: 10/766,633

Filed

: January 27, 2004

For

: METHOD OF AUTOMATED MUSICAL INSTRUMENT

FINGER FINDING

Examiner

: Christina Russell Supervisor : David Martin

Art Unit

: 2837

Date

: September 28, 2006

Mail Stop Amendment Commissioner For Patents P.O. Box 1450 Alexandria, VA 22313-1450

### STATUS INQUIRY

#### Commissioner for Patents:

Applicants filed an amendment/response to an Official Action in the above-referenced application on January 23, 2006. Because a Notice of Allowance or subsequent Official Action in response to our filing has not yet been received, Applicants are submitting this status inquiry.

A first Official Action on this application was mailed to Applicants on August 24, 2005. Applicants sought a three month extension of time for response and mailed a check in the amount of \$510,00 to the USPTO on November 21, 2005, along with Petition for Extension of Time under 37 CFR 1.13(a) FY2005, to extend the response period to February 24, 2006. Applicants mailed a response to the Official Action, and a request for a Refund of payment for the third extension month, on January 23, 2006 (First Class mail). This communication was received by the USPTO on January 26, 2006, as evidenced by the return postcard stamped as received by the USPTO.

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On March 21, 2006, Co-Applicant/Co-Inventor Richard Worrall received a . courtesy phone call from the Examiner (Ms, Christina Russell). The Examiner was not aware that Applicants had filed a response to the Official Action and inquired whether we planned to do so. Applicant told Examiner Russell that a response had been timely filed. Applicant agreed to fax a copy of the filing, a copy of the check for the extension of time, and a copy of the return postcard stamped by the USPTO as received, to Examiner Rusself. The material was faxed on March 22, 2006, and an automatic return fax from the USPTO was faxed back to Applicant indicating that the fax was received. On April 3, 2006, Examiner Russell issued an interview summary of the March 21, 2006 phone call.

On April 26, 2006, Applicant Worrall again received a phone call from Examiner Russell informing Applicants that the amendment/response was not in the prosecution file. Applicant Worrall again faxed the same materials to the USPTO, to two different fax numbers<sup>1</sup>, as requested by Examiner Russell. Another auto-reply fax was received indicating that Applicant's fax was received on April 26, 2006.

Applicants have not had any further correspondence with Examiner Russell or the USPTO, and presume that the amendment/response of January 23, 2006 was received and is under review. However, because it has been eight months since the amendment/response was initially filed, and five months since the second copy was provided to Examiner Russell, and pursuant to MPEP §203.08, Applicants respectfully request (1) confirmation that the amendment/response was received by Examiner Russell, and (2) an update on the status of the patent application.

If the Examiner believes that a telephonic interview would hasten the prosecution of the present application, then she is invited to call the co-

<sup>&</sup>lt;sup>1</sup> Fax number 703-872-9306 and 571-273-8300.

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inventor/co-assignee Richard Worrall, at 858-484-7736, to schedule a teleconference.

Applicants believe that no additional fees are due in connection with the present communication. However, if any fee is due, please deduct it from the refund owed (see Refund Request in filing of January 23, 2006) or notify Applicants of the deficiency.

Respectfully submitted,

for Richard Worrall and Robert Sharp

Richard Wonself